

AMENDMENT TO H.R. 1839
OFFERED BY MR. WHITE

Strike all after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE.

2 This Act may be cited as the “National Salvage
3 Motor Vehicle Consumer Protection Act of 1997”.

4 SEC. 2. MOTOR VEHICLE TITLING AND DISCLOSURE RE-
5 QUIREMENTS.

6 Subtitle VI of title 49, United States Code, is amend-
7 ed by inserting a new chapter at the end:

“Chapter 333—Automobile Safety and Title Disclosure Requirements

“Sec.

“33301. Definitions.

“33302. Passenger motor vehicle titling.

“33303. Disclosure and label requirements on transfer of salvage vehicles.

“33304. Report on funding.

“33305. Petitions for extensions of time.

“33306. Effect on State law.

“33307. Civil and criminal penalties.

“33308. Actions by States.

8 “§ 33301. Definitions

9 “For the purposes of this chapter:

10 “(1) PASSENGER MOTOR VEHICLE.—The term
11 ‘passenger motor vehicle’ shall have the same mean-
12 ing given such term by section 32101(10), except,
13 notwithstanding section 32101(9), it shall include a
14 multipurpose passenger vehicle (constructed on a
15 truck chassis or with special features for occasional

1 off-road operation), or a truck, other than a truck
2 referred to in section 32101(10)(B), when that vehi-
3 cle or truck is rated by the manufacturer of such ve-
4 hicle or truck at not more than 10,000 pounds gross
5 vehicle weight, and except further, it shall only in-
6 clude a vehicle manufactured primarily for use on
7 public streets, roads, and highways.

8 “(2) SALVAGE VEHICLE.—The term ‘salvage ve-
9 hicle’ means any passenger motor vehicle which—

10 “(A) is a late model vehicle which has been
11 wrecked, destroyed, or damaged, to the extent
12 that the total estimated or actual cost of repairs
13 to rebuild or reconstruct the passenger motor
14 vehicle to its condition immediately before it
15 was wrecked, destroyed, or damaged, and for
16 legal operation on the roads or highways, ex-
17 ceeds 80 percent of the retail value of the pas-
18 senger motor vehicle;

19 “(B) is a late model vehicle which has been
20 wrecked, destroyed, or damaged, and to which
21 an insurance company acquires ownership pur-
22 suant to a damage settlement (except in the
23 case of a settlement in connection with a recov-
24 ered stolen vehicle, unless such vehicle sus-

1 tained damage sufficient to meet the damage
2 threshold prescribed by subparagraph (A); or

3 “(C) the owner wishes to voluntarily des-
4 ignate as a salvage vehicle by obtaining a sal-
5 vage title, without regard to the level of dam-
6 age, age, or value of such vehicle or any other
7 factor, except that such designation by the
8 owner shall not impose on the insurer of the
9 passenger motor vehicle or on an insurer proc-
10 essing a claim made by or on behalf of the
11 owner of the passenger motor vehicle any obli-
12 gation or liability.

13 “(3) SALVAGE TITLE.—The term ‘salvage title’
14 means a passenger motor vehicle ownership docu-
15 ment issued by the State to the owner of a salvage
16 vehicle. A salvage title shall be conspicuously labeled
17 with the word ‘salvage’ across the front.

18 “(4) REBUILT SALVAGE VEHICLE.—The term
19 ‘rebuilt salvage vehicle’ means—

20 “(A) any passenger motor vehicle which
21 was previously issued a salvage title, has passed
22 State anti-theft inspection, has been issued a
23 certificate indicating that the passenger motor
24 vehicle has passed the required anti-theft in-
25 spection, has passed the State safety inspection

1 in those States requiring a safety inspection
2 pursuant to section 33302(b)(7), has been is-
3 sued a certificate indicating that the passenger
4 motor vehicle has passed the required safety in-
5 spection in those States requiring such a safety
6 inspection pursuant to section 33302(b)(7), and
7 has a decal stating ‘Rebuilt Salvage Vehicle—
8 Anti-theft and Safety Inspections Passed’ af-
9 fixed to the driver’s door jamb; or

10 “(B) any passenger motor vehicle which
11 was previously issued a salvage title, has passed
12 a State anti-theft inspection, has been issued a
13 certificate indicating that the passenger motor
14 vehicle has passed the required anti-theft in-
15 spection, and has, affixed to the driver’s door
16 jamb, a decal stating ‘Rebuilt Salvage Vehicle—
17 Anti-theft Inspection Passed/No Safety Inspec-
18 tion Pursuant to National Criteria’ in those
19 States not requiring a safety inspection pursu-
20 ant to section 33302(b)(7).

21 “(5) REBUILT SALVAGE TITLE.—The term ‘re-
22 built salvage title’ means the passenger motor vehi-
23 cle ownership document issued by the State to the
24 owner of a rebuilt salvage vehicle. A rebuilt salvage
25 title shall be conspicuously labeled either with the

1 words 'Rebuilt Salvage Vehicle—Anti-theft and
2 Safety Inspections Passed' or 'Rebuilt Salvage Vehi-
3 cle—Anti-theft Inspection Passed/No Safety Inspec-
4 tion Pursuant to National Criteria,' as appropriate,
5 across the front.

6 “(6) NONREPAIRABLE VEHICLE.—The term
7 ‘nonrepairable vehicle’ means any passenger motor
8 vehicle which is incapable of safe operation for use
9 on roads or highways and which has no resale value
10 except as a source of parts or scrap only or which
11 the owner irreversibly designates as a source of
12 parts or scrap. Such passenger motor vehicle shall
13 be issued a nonrepairable vehicle certificate and shall
14 never again be titled or registered.

15 “(7) NONREPAIRABLE VEHICLE CERTIFI-
16 CATE.—The term ‘nonrepairable vehicle certificate’
17 means a passenger motor vehicle ownership docu-
18 ment issued by the State to the owner of a non-
19 repairable vehicle. A nonrepairable vehicle certificate
20 shall be conspicuously labeled with the word ‘Non-
21 repairable’ across the front.

22 “(8) SECRETARY.—The term ‘Secretary’ means
23 the Secretary of Transportation.

1 “(9) LATE MODEL VEHICLE.—The term ‘Late
2 Model Vehicle’ means any passenger motor vehicle
3 which—

4 “(A) has a manufacturer’s model year des-
5 ignation of or later than the year in which the
6 vehicle was wrecked, destroyed, or damaged, or
7 any of the six preceding years; or

8 “(B) has a retail value of more than
9 \$10,000.

10 The Secretary shall adjust such retail value on an
11 annual basis in accordance with changes in the
12 consumer price index.

13 “(10) RETAIL VALUE.—The term ‘retail value’
14 means the actual cash value, fair market value, or
15 retail value of a passenger motor vehicle as—

16 “(A) set forth in a current edition of any
17 nationally recognized compilation (to include
18 automated databases) of retail values, as ap-
19 proved by the Secretary; or

20 “(B) determined pursuant to a market sur-
21 vey of comparable vehicles with regard to condi-
22 tion and equipment, in a manner approved by
23 the Secretary.

24 “(11) COST OF REPAIRS.—The term ‘cost of re-
25 pairs’ means the estimated retail cost of parts need-

1 ed to repair the vehicle or, if the vehicle has been
2 repaired, the actual retail cost of the parts used in
3 the repair, and the cost of labor computed by using
4 the hourly labor rate and time allocations that are
5 reasonable and customary in the automobile repair
6 industry in the community where the repairs are to
7 be performed.

8 **“§ 33302. Passenger motor vehicle titling**

9 “(a) CARRY-FORWARD OF INFORMATION ON A
10 NEWLY ISSUED TITLE WHERE THE PREVIOUS TITLE FOR
11 THE VEHICLE WAS NOT ISSUED PURSUANT TO NEW NA-
12 TIONALLY UNIFORM STANDARDS.—For any passenger
13 motor vehicle, the ownership of which is transferred on
14 or after the date that is 1 year from the date of the enact-
15 ment of this chapter, each State, in licensing such vehicle
16 for use, shall disclose in writing on the certificate of title
17 whenever records readily accessible to the State indicate
18 that the passenger motor vehicle was previously issued a
19 title that bore any word or symbol signifying that the vehi-
20 cle was ‘salvage’, ‘unrebuildable’, ‘parts only’, ‘scrap’,
21 ‘junk’, ‘nonrepairable’, ‘reconstructed’, ‘rebuilt’, or any
22 other symbol or word of like kind, or that it has been dam-
23 aged by flood.

24 “(b) NATIONALLY UNIFORM TITLE STANDARDS AND
25 CONTROL METHODS.—Not later than 18 months after the

1 date of the enactment of this chapter, the Secretary shall
2 by rule require each State, in licensing any passenger
3 motor vehicle where ownership of such passenger motor
4 vehicle is transferred more than 2 years after publication
5 of such final rule, to apply uniform standards, procedures,
6 and methods for the issuance and control of titles for
7 motor vehicles and for information to be contained on such
8 titles. Such titling standards, control procedures, methods,
9 and information shall include the following:

10 “(1) A State shall conspicuously indicate on the
11 face of the title or certificate for a passenger motor
12 vehicle, as applicable, if the passenger motor vehicle
13 is a salvage vehicle, a nonrepairable vehicle, or a re-
14 built salvage vehicle and whether such vehicle was
15 damaged by flood.

16 “(2) Such information concerning a passenger
17 motor vehicle’s status shall be conveyed on any sub-
18 sequent title, including a duplicate or replacement
19 title, for the passenger motor vehicle issued by the
20 original titling State or any other State.

21 “(3) The title documents, the certificates and,
22 decals required by section 33301(4), and the issuing
23 system shall meet security standards minimizing the
24 opportunities for fraud.

1 “(4) The certificate of title shall include the
2 passenger motor vehicle make, model, body type,
3 year, odometer disclosure, and vehicle identification
4 number.

5 “(5) The title documents shall maintain a uni-
6 form layout, to be established in consultation with
7 the State or an organization representing them.

8 “(6) A passenger motor vehicle designated as
9 nonrepairable shall be issued a nonrepairable vehicle
10 certificate and shall not be retitled.

11 “(7) No rebuilt salvage title shall be issued to
12 a salvage vehicle unless, after the salvage vehicle is
13 repaired or rebuilt, it complies with the requirements
14 for a rebuilt salvage vehicle pursuant to section
15 33301(4). Any State inspection program operating
16 under this paragraph shall be subject to continuing
17 review by and approval of the Secretary. Any such
18 anti-theft inspection program shall include the fol-
19 lowing:

20 “(A) A requirement that the owner of any
21 passenger motor vehicle submitting such vehicle
22 for an anti-theft inspection provide a completed
23 document identifying the vehicle’s damage prior
24 to being repaired, a list of replacement parts
25 used to repair the vehicle, and proof of owner-

1 ship of such replacement parts, as may be evi-
2 denced by bills of sale, invoices, or, if such doc-
3 uments are not available, other proof of owner-
4 ship for the replacement parts. The owner shall
5 also include an affirmation that the information
6 in the declaration is complete and accurate and
7 that, to the knowledge of the declarant, no sto-
8 len parts were used during the rebuilding; and

9 “(B) A requirement to inspect the pas-
10 senger motor vehicle or any major part or any
11 major replacement part required to be marked
12 under section 33102 for signs of such mark or
13 vehicle identification number being illegally al-
14 tered, defaced, or falsified. Any such passenger
15 motor vehicle or any such part having a mark
16 or vehicle identification number that has been
17 illegally altered, defaced, or falsified, and that
18 cannot be identified as having been legally ob-
19 tained (through bills of sale, invoices, or other
20 ownership documentation), shall be contraband
21 and subject to seizure. The Secretary, in con-
22 sultation with the Attorney General, shall, as
23 part of the rule required by this section, estab-
24 lish procedures for dealing with those parts
25 whose mark or vehicle identification number is

1 normally removed during industry accepted re-
2 manufacturing or rebuilding practices, which
3 parts shall be deemed identified for purposes of
4 this section if they bear a conspicuous mark of
5 a type, and applied in such a manner, as des-
6 ignated by the Secretary indicating that they
7 have been rebuilt or remanufactured. With re-
8 spect to any vehicle part, the Secretary's rule,
9 as required by this section, shall acknowledge
10 that a mark or vehicle identification number on
11 such part may be legally removed or altered as
12 provided for in section 511 of title 18, United
13 States Code, and shall direct inspectors to
14 adopt such procedures as may be necessary to
15 prevent the seizure of a part from which the
16 mark or vehicle identification number has been
17 legally removed or altered.

18 “(8) The Secretary shall establish nation-
19 ally uniform safety inspection criteria to be
20 used in those States requiring such a safety in-
21 spection. A State may determine whether to
22 conduct such safety inspection itself, contract
23 with a third party, or permit self-inspection by
24 a person licensed by such State in an auto-
25 motive-related business, all subject to criteria

1 promulgated by the Secretary hereunder. Any
2 State inspection program operating under this
3 paragraph shall be subject to continuing review
4 by and approval of the Secretary. A State re-
5 quiring such safety inspection may require the
6 payment of a fee for the privilege of such in-
7 spection or the processing thereof.

8 “(9) No duplicate or replacement title shall be
9 issued unless the word ‘duplicate’ is clearly marked
10 on the face thereof and unless the procedures for
11 such issuance are substantially consistent with Rec-
12 ommendation three of the Motor Vehicle Titling,
13 Registration and Salvage Advisory Committee.

14 “(10) A State shall employ the following titling
15 and control methods:

16 “(A) If an insurance company is not in-
17 volved in a damage settlement involving a sal-
18 vage vehicle or a nonrepairable vehicle, the pas-
19 senger motor vehicle owner shall apply for a
20 salvage title or nonrepairable vehicle certificate,
21 whichever is applicable, before the passenger
22 motor vehicle is repaired or the ownership of
23 the passenger motor vehicle is transferred, but
24 in any event within 30 days after the passenger
25 motor vehicle is damaged.

1 “(B) If an insurance company, pursuant to
2 a damage settlement, acquires ownership of a
3 passenger motor vehicle that has incurred dam-
4 age requiring the vehicle to be titled as a sal-
5 vage vehicle or nonrepairable vehicle, the insur-
6 ance company or salvage facility or other agent
7 on its behalf shall apply for a salvage title or
8 nonrepairable vehicle certificate within 30 days
9 after the title is properly assigned by the owner
10 to the insurance company and delivered to the
11 insurance company or salvage facility or other
12 agent on its behalf with all liens released.

13 “(C) If an insurance company does not as-
14 sume ownership of an insured’s or claimant’s
15 passenger motor vehicle that has incurred dam-
16 age requiring the vehicle to be titled as a sal-
17 vage vehicle or nonrepairable vehicle, the insur-
18 ance company shall notify the owner of the
19 owner’s obligation to apply for a salvage title or
20 nonrepairable vehicle certificate for the pas-
21 senger motor vehicle and notify the State pas-
22 senger motor vehicle titling office that a salvage
23 title or nonrepairable vehicle certificate should
24 be issued for the vehicle, except to the extent

1 such notification is prohibited by State insur-
2 ance law.

3 “(D) If a leased passenger motor vehicle
4 incurs damage requiring the vehicle to be titled
5 as a salvage vehicle or nonrepairable vehicle,
6 the lessor shall apply for a salvage title or non-
7 repairable vehicle certificate within 21 days
8 after being notified by the lessee that the vehi-
9 cle has been so damaged, except when an insur-
10 ance company, pursuant to a damage settle-
11 ment, acquires ownership of the vehicle. The
12 lessee of such vehicle shall inform the lessor
13 that the leased vehicle has been so damaged
14 within 30 days after the occurrence of the dam-
15 age.

16 “(E) Any person acquiring ownership of a
17 damaged passenger motor vehicle that meets
18 the definition of a salvage or nonrepairable ve-
19 hicle for which a salvage title or nonrepairable
20 vehicle certificate has not been issued, shall
21 apply for a salvage title or nonrepairable vehicle
22 certificate, whichever is applicable. This appli-
23 cation shall be made before the vehicle is fur-
24 ther transferred, but in any event, within 30
25 days after ownership is acquired. The require-

1 ments of this subparagraph shall not apply to
2 any scrap metal processor which acquires a pas-
3 senger motor vehicle for the sole purpose of
4 processing it into prepared grades of scrap and
5 which so processes such vehicle.

6 “(F) State records shall note when a non-
7 repairable vehicle certificate is issued. No State
8 shall issue a nonrepairable vehicle certificate
9 after 2 transfers of ownership.

10 “(G) When a passenger motor vehicle has
11 been flattened, baled, or shredded, whichever
12 comes first, the title or nonrepairable vehicle
13 certificate for the vehicle shall be surrendered
14 to the State within 30 days. If the second
15 transferee on a nonrepairable vehicle certificate
16 is unequipped to flatten, bale, or shred the vehi-
17 cle, such transferee shall, at the time of final
18 disposal of the vehicle, use the services of a pro-
19 fessional automotive recycler or professional
20 scrap processor who is hereby authorized to
21 flatten, bale, or shred the vehicle and to effect
22 the surrender of the nonrepairable vehicle cer-
23 tificate to the State on behalf of such second
24 transferee. State records shall be updated to in-
25 dicate the destruction of such vehicle and no

1 further ownership transactions for the vehicle
2 will be permitted. If different than the State of
3 origin of the title or nonrepairable vehicle cer-
4 tificate, the State of surrender shall notify the
5 State of origin of the surrender of the title or
6 nonrepairable vehicle certificate and of the de-
7 struction of such vehicle.

8 “(H) When a salvage title is issued, the
9 State records shall so note. No State shall per-
10 mit the retitling for registration purposes or is-
11 suance of a rebuilt salvage title for a passenger
12 motor vehicle with a salvage title without a cer-
13 tificate of inspection, which complies with the
14 security and guideline standards established by
15 the Secretary pursuant to paragraphs (3) and
16 (7), as applicable, indicating that the vehicle
17 has passed the inspections required by the
18 State. This subparagraph does not preclude the
19 issuance of a new salvage title for a salvage ve-
20 hicle after a transfer of ownership.

21 “(I) After a passenger motor vehicle titled
22 with a salvage title has passed the inspections
23 required by the State, the inspection official will
24 affix the secure decal required pursuant to sec-
25 tion 33301(4) to the driver’s door jamb of the

1 vehicle and issue to the owner of the vehicle a
2 certificate indicating that the passenger motor
3 vehicle has passed the inspections required by
4 the State. The decal shall comply with the per-
5 manency requirements established by the Sec-
6 retary.

7 “(J) The owner of a passenger motor vehi-
8 cle titled with a salvage title may obtain a re-
9 built salvage title or vehicle registration, or
10 both, by presenting to the State the salvage
11 title, properly assigned, if applicable, along with
12 the certificate that the vehicle has passed the
13 inspections required by the State. With such
14 proper documentation and upon request, a re-
15 built salvage title or registration, or both, shall
16 be issued to the owner. When a rebuilt salvage
17 title is issued, the State records shall so note.

18 “(11) A seller of a passenger motor vehicle that
19 becomes a salvage vehicle due to damage by flood
20 shall, at or prior to the time of transfer of owner-
21 ship, give the buyer a written notice that the vehicle
22 has been damaged by flood. At the time of the next
23 title application for the vehicle, disclosure of the
24 flood status shall be provided to the applicable State
25 with the properly assigned title and the word ‘Flood’

1 shall be conspicuously labeled across the front of the
2 new title.

3 “(12) In the case of a leased passenger motor
4 vehicle, the lessee, within 15 days of the occurrence
5 of the event that caused the vehicle to become a sal-
6 vage vehicle due to damage by flood, shall give the
7 lessor written disclosure that the vehicle is a salvage
8 vehicle due to damage by flood.

9 “(c) SALVAGE TITLE.—Ownership of a passenger
10 motor vehicle may be transferred on a salvage title, how-
11 ever, a passenger motor vehicle for which a salvage title
12 has been issued shall not be registered for use on the roads
13 or highways unless it has been issued a rebuilt salvage
14 title.

15 “(d) REBUILT SALVAGE TITLE.—Ownership of a
16 passenger motor vehicle may be transferred on a rebuilt
17 salvage title, and a passenger motor vehicle for which a
18 rebuilt salvage title has been issued may be registered for
19 use on the roads and highways.

20 “(e) NONREPAIRABLE VEHICLE CERTIFICATE.—
21 Ownership of a passenger motor vehicle may only be trans-
22 ferred 2 times on a nonrepairable vehicle certificate. A
23 passenger motor vehicle for which a nonrepairable vehicle
24 certificate has been issued can never be titled or registered
25 for use on roads or highways.

1 **“§ 33303. Disclosure and label requirements on trans-**
2 **fer of rebuilt salvage vehicles**

3 “(a) WRITTEN DISCLOSURE REQUIREMENTS.—

4 “(1) GENERAL RULE.—Under regulations pre-
5 scribed by the Secretary of Transportation, a person
6 transferring ownership of a rebuilt salvage vehicle
7 shall give the transferee a written disclosure that the
8 vehicle is a rebuilt salvage vehicle.

9 “(2) FALSE STATEMENT.—A person making a
10 written disclosure required by a regulation pre-
11 scribed under paragraph (1) of this subsection may
12 not make a false statement in the disclosure.

13 “(3) COMPLETENESS.—A person acquiring a
14 rebuilt salvage vehicle for resale may accept a disclo-
15 sure under subsection (a) only if it is complete.

16 “(4) REGULATIONS.—The regulations pre-
17 scribed by the Secretary shall provide the way in
18 which information is disclosed and retained under
19 subsection (a).

20 “(b) LABEL REQUIREMENTS.—

21 “(1) IN GENERAL.—The Secretary shall by reg-
22 ulation require that a label be affixed to the wind-
23 shield or window of a rebuilt salvage vehicle before
24 its first sale at retail containing such information re-
25 garding that vehicle as the Secretary may require.

1 The label shall be affixed by the individual who con-
2 ducts the applicable State antitheft inspection.

3 “(2) REMOVAL, ALTERATION, OR ILLEGIBILITY
4 OF REQUIRED LABEL.—No person shall willfully re-
5 move, alter, or render illegible any label required by
6 paragraph (1) affixed to a rebuilt salvage vehicle be-
7 fore the vehicle is delivered to the actual custody
8 and possession of the first retail purchaser.

9 **“§ 33304. Report on funding**

10 “The Secretary shall, contemporaneously with the is-
11 suance of a final rule pursuant to section 33302(b), report
12 to appropriate committees of Congress whether the costs
13 to the States of compliance with such rule can be met by
14 user fees for issuance of titles, issuance of registrations,
15 issuance of duplicate titles, inspection of rebuilt vehicles,
16 or for the State services, or by earmarking any moneys
17 collected through law enforcement action to enforce re-
18 quirements established by such rule.

19 **“§ 33305. Petitions for extensions of time**

20 “The Secretary may grant a State, for good cause
21 shown, an extension of time to comply with the require-
22 ments established in section 33302(a). No such extension
23 shall remain in effect on or after the compliance date es-
24 tablished pursuant to section 33302(b).

1 **“§ 33306. Effect on State law**

2 “(a) IN GENERAL.—Effective on the date the rule
3 promulgated pursuant to section 33302 becomes effective,
4 the provisions of this chapter shall preempt all State laws,
5 to the extent they are inconsistent with the provisions of
6 this chapter or the rule promulgated pursuant to section
7 33302, which—

8 “(1) set forth the form of the passenger motor
9 vehicle title;

10 “(2) define, in connection with a passenger
11 motor vehicle (but not in connection with a pas-
12 senger motor vehicle part or part assembly separate
13 from a passenger motor vehicle), any term defined
14 in section 33301 or the terms ‘salvage’, ‘junk’, ‘re-
15 constructed’, ‘nonrepairable’, ‘unrebuildable’, ‘scrap’,
16 ‘parts only’, ‘rebuilt’, ‘flood’, or any other symbol or
17 word of like kind, or apply any of those terms to any
18 passenger motor vehicle (but not to a passenger
19 motor vehicle part or part assembly separate from a
20 passenger motor vehicle); or

21 “(3) set forth titling, recordkeeping, anti-theft
22 inspection, or control procedures in connection with
23 any salvage vehicle, rebuilt salvage vehicle, or non-
24 repairable vehicle.

25 The requirements described in paragraph (3) shall not be
26 construed to affect any State consumer law actions that

1 may be available to residents of the State for violations
2 of this chapter.

3 “(b) CONSTRUCTION.—Additional disclosures of a
4 passenger motor vehicle’s title status or history, in addi-
5 tion to the terms defined in section 33301, shall not be
6 deemed inconsistent with the provisions of this chapter.
7 Such disclosures shall include disclosures made on a cer-
8 tificate of title. When used in connection with a passenger
9 motor vehicle (but not in connection with a passenger
10 motor vehicle part or part assembly separate from a pas-
11 senger motor vehicle), any definition of a term defined in
12 section 33301 which is different than the definition in that
13 section or any use of any term listed in subsection (a),
14 but not defined in section 33301, shall be deemed incon-
15 sistent with the provisions of this chapter. Nothing in this
16 chapter shall preclude a State from disclosing on a rebuilt
17 salvage title that a rebuilt salvage vehicle has passed a
18 State safety inspection which differed from the nationally
19 uniform criteria to be promulgated pursuant to section
20 33302(b)(7).

21 **“§ 33307. Civil and criminal penalties**

22 “(a) PROHIBITED ACTS.—It shall be unlawful for any
23 person knowingly and willfully to—

24 “(1) make or cause to be made any false state-
25 ment on an application for a title (or duplicate title)

1 for a passenger motor vehicle or any disclosure made
2 pursuant to section 33303;

3 “(2) fail to apply for a salvage title when such
4 an application is required;

5 “(3) alter, forge, or counterfeit a certificate of
6 title (or an assignment thereof), a nonrepairable ve-
7 hicle certificate, a certificate verifying an anti-theft
8 inspection or an anti-theft and safety inspection, a
9 decal affixed to a passenger motor vehicle pursuant
10 to section 33302(b)(9)(I), or any disclosure made
11 pursuant to section 33303;

12 “(4) falsify the results of, or provide false infor-
13 mation in the course of, an inspection conducted
14 pursuant to section 33302(b)(7);

15 “(5) offer to sell any salvage vehicle or non-
16 repairable vehicle as a rebuilt salvage vehicle;

17 “(6) fail to make any disclosure required by
18 section 33303, except when the person lacks actual
19 knowledge of the status of the rebuilt salvage vehi-
20 cle;

21 “(7) violate a regulation prescribed under this
22 chapter; or

23 “(8) conspire to commit any of the acts enu-
24 merated in paragraphs (1), (2), (3), (4), (5), (6), or
25 (7).

1 “(b) CIVIL PENALTY.—Any person who commits an
2 unlawful act as provided in subsection (a) of this section
3 shall be fined a civil penalty of up to \$2,000 per offense.
4 A separate violation occurs for each passenger motor vehi-
5 cle involved in the violation.

6 “(c) CRIMINAL PENALTY.—Any person who commits
7 an unlawful act as provided in subsection (a) of this sec-
8 tion shall be fined up to \$50,000 or sentenced to up to
9 3 years imprisonment or both, per offense.

10 **“§ 33308. Actions by States**

11 “(a) IN GENERAL.—Whenever an attorney general of
12 any State has reason to believe that the interests of the
13 residents of that State have been or are being threatened
14 or adversely affected because any person has violated or
15 is violating section 33302 or 33303, the State, as parens
16 patriae, may bring a civil action on behalf of its residents
17 in an appropriate district court of the United States or
18 the appropriate State court to enjoin such violation or to
19 enforce the civil penalties under section 33307 or may en-
20 force the criminal penalties under section 33307.

21 “(b) NOTICE.—The State shall serve prior written
22 notice of any civil or criminal action under subsection (a)
23 or (e)(2) upon the Attorney General and provide the At-
24 torney General with a copy of its complaint, except that
25 if it is not feasible for the State to provide such prior no-

1 tice, the State shall serve such notice immediately upon
2 instituting such action. Upon receiving a notice respecting
3 a civil or criminal action, the Attorney General shall have
4 the right—

5 “(1) to intervene in such action;

6 “(2) upon so intervening, to be heard on all
7 matters arising therein; and

8 “(3) to file petitions for appeal.

9 “(c) CONSTRUCTION.—For purposes of bringing any
10 civil or criminal action under subsection (a), nothing in
11 this Act shall prevent an attorney general from exercising
12 the powers conferred on the attorney general by the laws
13 of such State to conduct investigations or to administer
14 oaths or affirmations or to compel the attendance of wit-
15 nesses or the production of documentary and other evi-
16 dence.

17 “(d) VENUE; SERVICE OF PROCESS.—Any civil or
18 criminal action brought under subsection (a) in a district
19 court of the United States may be brought in the district
20 in which the defendant is found, is an inhabitant, or trans-
21 acts business or wherever venue is proper under section
22 1391 of title 28, United States Code. Process in such an
23 action may be served in any district in which the defend-
24 ant is an inhabitant or in which the defendant may be
25 found.

1 “(e) ACTIONS BY STATE OFFICIALS.—

2 “(1) Nothing contained in this section shall
3 prohibit an attorney general of a State or other au-
4 thorized State official from proceeding in State court
5 on the basis of an alleged violation of any civil or
6 criminal statute of such State.

7 “(2) In addition to actions brought by an attor-
8 ney general of a State under subsection (a), such an
9 action may be brought by officers of such State who
10 are authorized by the State to bring actions in such
11 State on behalf of its residents.”.